

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

v.

SHANNON WILLIAMS,

Defendant.

**8:09CR457**

**ORDER**

This matter is before the Court on defendant Shannon Williams's ("Williams") Motion for an Extension of Time Pursuant to Federal Rule of Appellate Procedure 4(b)(4) (Filing No. 1674). On July 11, 2024, the Court granted (Filing No. 1672) Williams's 18 U.S.C. § 3582(c) motion (Filing No. 1652) and granted in part and denied in part his motion under 18 U.S.C. § 3582(c)(1)(A) (Filing No. 1653), reducing his sentence on Count I by a total of 108 months. The Court entered judgment (Filing No. 1673) that day, reflecting his as-reduced 372 month sentence on Count I and concurrent 240 month sentence on Count II, which remained unchanged.

Williams's counsel tells the Court they have informed Williams of that decision and sent the Memorandum and Order to him via certified mail. They have also begun to arrange a phone meeting with Williams to discuss the implications of the decision and the opportunity to appeal. Due to the difficulty of arranging calls through Williams's facility, however, his counsel report that they "will not have sufficient time to discuss [his] options with him in time to comply with the existing deadline" to file an appeal. *See* Fed. R. App. P. 4(b)(1)(A) (generally requiring a criminal defendant to file a notice of appeal within fourteen days after the entry of judgment). They ask the Court for a 30-day extension.

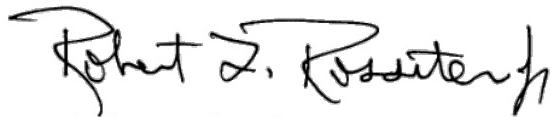
Under Federal Rule of Appellate Procedure 4(b)(4), the Court is permitted to extend the time to file a notice of appeal up to 30 days from the original deadline “[u]pon a finding of excusable neglect or good cause.” *See also Petrone v. Werner Enters. Inc.*, 105 F.4th 1043, 1055 (8th Cir. 2024) (describing the factors relevant to a finding of excusable neglect); *Gibbons v. United States*, 317 F.3d 852, 854 (8th Cir. 2003) (explaining that the analysis of whether “excusable neglect” exists is “an equitable one, taking account of all relevant circumstances” with “the excuse given for the late filing” having the greatest import) (internal citations omitted). The Court finds the present circumstances warrant a 30-day extension from the date of this Order. Accordingly,

IT IS ORDERED:

1. Defendant Shannon Williams’s Motion for an Extension of Time Pursuant to Federal Rule of Appellate Procedure 4(b)(4) (Filing No. 1674) is granted in part.
2. Should Williams wish to appeal the Court’s recent decision, he must file a notice of appeal in this Court on or before August 19, 2024.

Dated this 19th day of July 2024.

BY THE COURT:



Robert F. Rossiter, Jr.  
Chief United States District Judge